

Hon. Joseph B. Brown, Judge
Shelby County Criminal Court
Memphis, TN.

Harold Weisberg
7627 Old Receiver Rd.
Frederick, MD 21702

7/12/97

Dear Judge Brown,

Please excuse my typing. It cannot be any better. I'm 84 and in seriously impaired health. The more serious of my recent hospitalizations were for congestive heart failure, renal failure and exceptionally high blood pressure.

I write you because of what I have read in this morning's New York Times and Washington Post. I have relevant knowledge, as I'll explain.

The Times says you "instructed" both sides "to petition the Government for the return of bullets fired in the initial tests by the F.B.I." It also quotes you as stating, "I'm not going to allow the vicissitudes of somebody's artful cross-examination to keep me, ~~from~~ as the trier of facts, from getting to the bottom of this."

The Post, with Reuters its apparent source, states that you "ordered" both sides "to ask the FBI to unseal the results of the forensic examination of Ray's rifle which they conducted after King was killed."

I have two ^{my} involve~~ments~~ in this matter that give me what I believe is some unique knowledge. I assume that if what I tell you you regard as pertinent you will inform both sides of it. I may appear to be partisan in this matter but I believe I am not.

First I wrote a book entirely from public domain sources. In it I used the Freedom of Information Act to obtain ~~copies~~ of what the government provided to the British court to get Ray extradited. Although that information was made public in England, I had to sue to obtain copies here in the United States.

Not being a lawyer I cannot be certain but I believe that you should be aware of some of that information at least some of which was perjurious and I believe involved the subornation of perjury. I am aware that the statute has run. I go into this because of what you are quoted as saying and wanting to learn.

The Post story also quotes you as saying that "justice might be served if we were able to examine these bullets (allegedly test fired by the FBI) and the court feels that the state of Tennessee has a claim on that evidence." Unless the FBI lied to federal district court in Washington in my C.A. 75-1996, the FBI either did not do that test firing of that rifle or hid from me the evidence you refer to that under the law and in that lawsuit should ~~have~~ have been at least offered to me. In addition, there were nine stuffed cartons of such evidence in the office of Bubba Blackwell in the early 1970s. *He was clerk of your court.*

I was then Ray's investigator. Under discovery we were given a total of but two days to go over the vast amount of information that existed. I could hardly

glance at most of it. As I recall there were none stuffed cartons said to be of evidence provided by the FBI.

I am certain that with any such bullet relevant in my C.A. 75-1996 I was not only not shown such test bullets or offered access to them or what under the law I should have gotten automatically, photographs of them, it is my recollection that I was told the rifle had not been test-fired for the reason given in the affidavit provided by then FBI Laboratory agent Robert Frazier that I obtained in the suit for the extradition records.

Here I must explain why I provide this paragraph of that affidavit in the form in which I do. It is unsafe for me to use stairs and the some 80,000 pages of previously withheld FBI pages relating to the King assassination are in our basement. Along with about a quarter of a million pages of records relating to the assassination of President Kennedy also obtained by FOIA litigation as well as much of my work product.

As a matter of both practice and belief I make and have always made all the information I received under FOIA freely available to all, the all/mostly of those with whom I do not agree, along with the use of our copier, all unsupervised. The attached page is from my book. In writing it I found this one paragraph of the Frazier affidavit all that was relevant. It is my recollection that he also stated, if not there in the later litigation, that after examining the remnant of bullet removed from Dr. King's body he did no test firing for comparison because he decided that the specimen was not suitable. (Not that he refers to the fragment as a bullet, which it was not.)

My recollection of both the records provided and the testimony in that FOIA lawsuit is that, and on this I am certain, the FBI did not even swab test that rifle to determine whether it had been fired since it was last cleaned. You will find this in the testimony of Quinlan J. Shea, Jr., who was then the FOIA appeals officer of the Department of Justice—their witness in my litigation. I had appealed the seeming withholding of some of the kind of evidence you are quoted as believing is necessary if justice is to be served. That included swab testing. The FBI provided none and under oath Shea testified that it did not exist, was not done,

Many rifles were test fired then, in that case, those known to have nothing to do with the case. This included even the smaller caliber rifle Ray had bought and returned even though it could not be fired because of the encrustation of cosmoline! The FBI removed that cosmoline and test fired that irrelevant rifle. If my recollection is correct it test fired a dozen or more, with meager results given me in that FOIA lawsuit.

This and all the other information I obtained in those FOIA lawsuits

are supposed thereafter to be freely accessible to all in the FBI's public reading room. If that does not apply to the Shea testimony and if it is of interest I bought the stenographic transcript of it. I gave a copy to my lawyer, James H. Cesar, 918 F St., NW, Suite #509, Washington, DC 20004. I presume it is also on file with the court. The judge was the Hon. June Green.

Because I am not a lawyer I want not to do what might be considered in any way improper. I therefore do not go into what I know, what I have proof of in some instances, with which, the words attributed to you, "justice might be served."

Travel is not safe for me so I cannot offer to go to Memphis but if the court wants me questioned, I waive the hundred mile limitation that I believe exists in some civil cases and am willing to be questioned here, by anyone you may want to send, if you should.

I am old, my health is precarious, and I fear that relevant evidence may die with me.

Without the access to our basement I do not have I cannot be certain but I know that the FBI records I obtained include those of headquarters, the Memphis field office and those of the Atlanta, Birmingham, and St. Louis offices plus others.

All FBI Lab records were not duplicated in the "main" King assassination file known as "MURKIN."

There may be people in Memphis and the area who later may have an interest in these records. They will all be part of a public archive at Local Hood College. The librarian is Charles Kuhn. The professor of history who has most familiarity with it is Dr. Gerald McKnight. Some of his students have used some of these records for honors papers and McKnight has a book on The Last Crusade, the Poor Peoples Campaign, due about the end of the year.

Sincerely,

Harold Weisberg
Harold Weisberg

There is a rule of each House of the Congress unless changed from the 1930s when I was a Senate investigator and editor, to protect privacy all not made public in proceedings are held confidential. But either House can waive this rule as it applies to that house by a simple resolution. So, that material can be made available promptly.

6. Because of distortion due to mutilation and insufficient marks of value, I could draw no conclusion as to whether or not the submitted bullet was fired from the submitted rifle.

Robert A. Frazier
ROBERT A. FRAZIER

This excerpt from FBI firearms expert Robert A. Frazier's affidavit, used in the Ray extradition, then confiscated and suppressed, says what is false, that a bullet was recovered, and admits there is no proof it came from the "Ray" rifle (see pp. 225ff).

9. Right after the shot, I heard through a broken pane in my kitchen window a lot of voices yelling and hollering across the street from my building near the Lorraine Motel. I looked out my window toward the noise and I saw a lot of people milling around near the motel. Then I went to my door and opened it. I would say that about a minute, not more, passed between my hearing the shot and when I opened the door. First, I looked toward the bathroom and I saw that the door was open and it was empty. Then I went to the banister and looked the other way. When I did, I saw a man running near the end of the hallway. I have put an "O" mark on the floor plan, Exhibit I, to show about where he was when I saw him. He was carrying a bundle in his right hand. From what I could see, the bundle was at least three or four feet long and six or eight inches thick. The bundle appeared to be wrapped in what looked like newspaper. The man turned left toward the stairs when he reached the end of the hallway. Although I did not get a long look at him before he turned left, I think it was the same man I saw earlier with Mrs. Brewer looking at Room 5-B. The man running down the hall had on a dark suit, the same as the man I saw earlier.

Charles Quitman Stephens
CHARLES QUITMAN STEPHENS

Charles Quitman ("Bourbon Charley") Stephens' affidavit, used to get Ray extradited, fails to make positive identification, says other than represented in the minitrial, is actually proof he saw and could have seen nothing of the alleged fleeing man (see pp. 24ff and pp. 154ff).

CERTIFICATE OF DEATH
TENNESSEE DEPARTMENT OF PUBLIC HEALTH
DIVISION OF VITAL STATISTICS

DATE OF BIRTH	DATE OF DEATH	PLACE OF BIRTH	PLACE OF DEATH
1929	1968	Memphis	Memphis
NAME	LAST NAME	FIRST NAME	MIDDLE NAME
King, Jr.	Luther	King, Jr.	
SEX	AGE	EDUCATION	MARRIED
Male	39	High School	Yes
CITY	COUNTY	STATE	CITY
Memphis	Shelby	Tennessee	Memphis
CAUSE OF DEATH	ICD-9 CODE	ICD-10 CODE	ICD-11 CODE
Gunshot wound to thoracic cord	86.0	86.0	86.0
DATE OF DEATH	PLACE OF DEATH	DATE OF DEATH	PLACE OF DEATH
4-4-68	Memphis	4-4-68	Memphis
DATE OF DEATH	PLACE OF DEATH	DATE OF DEATH	PLACE OF DEATH
4-4-68	Memphis	4-4-68	Memphis

REGISTRAR: Eugene W. Fournelle, M.D., Registrar
DIVISION OF VITAL RECORDS
406 Mulberry
MEMPHIS, TENNESSEE 38103

For court purposes, what was used could not qualify for court purposes. (See p. 442.)

REGISTRATION CARD

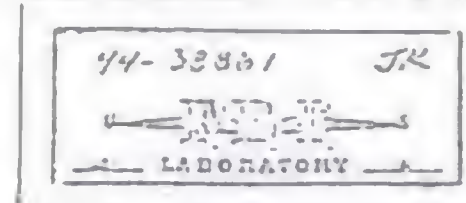
NOTICE TO GUESTS: This property is licensed and supervised by the State of Tennessee. It is a reproduction of a copy made in this office before the original was transmitted to the state office for filing. Penalties: \$1.00 per copy.

NAME: *Eric S. Galt*
STREET: *2608 Highland Ave*
CITY: *Birmingham* STATE: *Alabama*

REPRESENTING: *44-38861*
DATE: *4-8-68*
TIME: *7:22*
MAKE OF CAR: *1968 Buick Wildcat*

THIS IS YOUR RECEIPT

THANK YOU



Suppressed New Rebel Motel registration card, with handwriting other than Ray's. Pivotal evidence, license number, not in his handwriting. (See pp. 442.)